

ELECTORAL AMENDMENT (TICKET VOTING AND ASSOCIATED REFORMS) BILL 2019

Introduction and First Reading

Bill introduced, on motion by **Hon Alison Xamon**, and read a first time.

Second Reading

HON ALISON XAMON (North Metropolitan) [10.12 am]: I move —

That the bill be now read a second time.

The Electoral Amendment (Ticket Voting and Associated Reforms) Bill 2019 is designed to return control of preferences to Western Australian voters by abolishing ticket voting and implementing optional preferential voting both above and below the line. Outcomes of elections at both state and federal levels have clearly demonstrated that the introduction of ticket voting has resulted in unintended consequences through the rise of practices such as preference harvesting, and these have had the effect of distorting voters' will.

Ticket voting has enabled parties to game preferences to such an extent that it is unrealistic for a voter to understand the full implications of their vote. This is clearly counter to the democratic principle of promoting greater voter say in who our elected members are. Our current voting system presents voters with an all-or-nothing choice. A voter can either select a single box above the line, thereby handing control of their preferences to the party or candidate they vote for; or they must undertake the onerous task of sequentially numbering their own preferences for every candidate listed below the line.

In Western Australia, more than 95 per cent of people choose to vote above the line, providing a strong incentive for parties to engage in preference deals. This was evident during the 2017 Western Australian state election when five micro-parties employed the services of a so-called preference whisperer to maximise their chances of being elected. This arrangement also resulted in the perverse situation whereby micro-parties with diametrically opposing values and policies exchanged preferences amongst themselves. This is contrary to the stated value of preference flows; namely, that in the event that a party fails to sufficiently achieve enough first preference votes that the full value of the vote should flow to the next candidate who most closely represents the views of the voter. As the practice of gaming our ticket votes has increased, there have been instances in the recent past in which candidates have been elected after receiving less than one per cent of the primary vote because of these types of deals. Furthermore, it is well understood that many micro-parties have been established expressly for the purposes of preference harvesting.

The 2017 state election saw the number of people running for an upper house seat almost double compared with the numbers running for the 2013 election. The South Metropolitan Region alone fielded 58 candidates. These increasing numbers create an even greater disincentive for below-the-line voting. The small percentage of people who choose to vote below the line are at greater risk of returning an informal vote because of the requirement to number sequentially every box for the vote to be considered formal.

The Australian Senate and the New South Wales and South Australian Parliaments have already amended their legislation to abolish ticket voting after many elections delivered perverse outcomes. The model adopted by the Australian Senate was informed by the recommendations made by the Joint Standing Committee on Electoral Matters. Given that the structure of the Western Australian Legislative Council mirrors the Australian Senate, in that multiple members are elected to represent a number of defined regions, the amendments contained in this bill to change our voting system are modelled on the changes enacted by the Australian Parliament.

This bill will abolish ticket voting in Western Australia; introduce optional preferential voting above the line, with voters instructed to mark at least six preferences; introduce partial optional preferential voting below the line, with voters instructed to mark at least 12 preferences; prevent candidates from listing on more than one group; and include savings provisions to ensure that a vote remains formal, including any vote above the line with a valid first preference and with all preferences counted, even if they fall short of the six specified, and below-the-line-votes will require only six valid preferences, saving the votes of voters who mistakenly used the above-the-line instructions for a below-the-line vote. The effect of these amendments will be that the preferences of voters who vote above the line will apply only to the groups that voters express explicit preferences for, meaning that voters are in control of where their preferences flow. Group-voting tickets will no longer apply.

The bill also contains provisions to prevent candidates seeking to maximise their chances of being elected by listing their name on more than one group or party. These provisions are intended to prevent further gaming of the electoral system. Further, to minimise the risk of an increase in informal votes arising from changes to a voting system that has been in place for many years, the bill's savings provisions mean that a vote will remain formal even when voters have numbered fewer preferences than the voting instructions require.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper 2511.]

Debate adjourned, pursuant to standing orders.